IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.938 of 1994

Between:

1 M.Chandramouli S/o.Veeraiah,
Typist-Copyist, District and Sessions Court, Warangal
2 D.Prakasam S/o.late Mallaiah
Typist-Copyist, District and Sessions Court, Warangal
3 Smt.J.Deenamma, W/o Sudarshan, Typist-Copyist,
Resident of Warangal
4 R.Sampath Kumar, S/o R.Janardhan Rao,
Typist-Copyist, District and Sessions Court, Warangal
5 Smt.K.Manohara, D/o D.Komuraiah, Typist-Copyist,
Special Mobile Court for SC/ST Cases, Warangal
6 Syed Aktar Yousuf, S/o.Manazirul Hassan, Typist,
District Court, Warangal
7 N.Rajaiah, S/o.Balraj, Junior Assistant,
I Additional Munsiff Magistrate Court, Warangal
8 K.Muthyam Rao S/o.K.Rajaiah
Junior Assistant, I Additional District Munsiff Court,
Warangal.
9 Smt.M.Satyarathna Priya D/o.Seshu Babu
Typist-Copyist, Judicial First Class Magistrate, Jangaon, Warangal
10 Y.Sai Sreenivasulu Reddy, S/o.Sidda Reddy, Copyist,
Munsiff Magistrate Court, Mulug, Warangal

..... PETITIONERS

AND

1 The State of Andhra Pradesh
rep.by the Secretary, Finance and Planning Department,
Secretariat Buildings, Hyderabad.

2 The Registrar,
High Court of Andhra Pradesh, Hyderabad.
3 The District & Sessions Judge,
Warangal.
4 The District Treasury Officer,
Warangal.
5 The Sub-Treasury Officer,
Warangal.

6 The Sub-Treasury Officer,
Jangaon, Warangal.
7 The Sub-Treasury Officer
Mulug, Warangal

(R7 dismissed for default as per court order dt.26/7/99)

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring that the petitioners are entitled for the advance increment on their obtaining Graduate Degree in their scales of pay as per G.O.Ms.No.114, Dt.04/04/1980, Payment of Special Pay to the Typists as per G.O.Ms.No.311, Finance and Planning (FW.PRC.I) Department, Dt.01/09/1977 and the fixing of scales of pay in terms of G.O.Ms.No.182, Finance and Planning (FW.PRC.I) Department, Dt.17/07/1987 and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: Mr.P.KESAVA RAO

(not present today)

Counsel for Respondent Nos.1,4,5,6&7: GP for Finance & Planning

Counsel for Respondents 2 & 3 : Smt.M.BHASKARA LAKSHMI

(SC FOR A.P.High Court)

The Court made the following :

ORAL ORDER: (per **HON'BLE THE CHIEF JUSTICE**)

Petitioners sought a declaration that the action of respondents in ordering that the petitioners are not entitled for advance increment on their obtaining graduate degree is bad in law.

When the Writ Petition came up for consideration, none appeared for the petitioners. We have gone through the detailed counter affidavits filed by the respondents.

In the counter affidavit of the 3rd respondent, it is stated that none of the petitioners was working as L.D.Clerk/Typist/Steno-Typist or Clerk-cum-Typist on the date from which they are seeking sanction of one advance increment for possessing qualification in Degree. Counter affidavit explains various orders on the basis of which petitioners are seeking relief. It is stated in the affidavit in reply that according to G.O.Ms.No.182, dated 17-7-1987 degree qualification must have been acquired after 1-7-1986. Reference has also been made to the decision of this Court in W.P.No.4055 of 1992, dated 28-9-1999, which was rendered relying upon the

Judgment in W.P.No.12600 of 1988, dated 16-4-1990. It is stated that even as per the said Judgment, petitioners are not entitled for advance increment since some of them acquired graduate qualification prior to July,1986 and some of them are not even graduates at the time of filing of writ petition. There is no merit in the writ petition, which is hereby dismissed.

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DEVINDER GUPTA, C.J.

03-11-2004

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C.V.RAMULU, J

prk

ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, Finance and Planning Department,
State of Andhra Pradesh
Secretariat Buildings, Hyderabad.
2 The Registrar,
High Court of Andhra Pradesh, Hyderabad.
3 The District & Sessions Judge,
Warangal.
4 The District Treasury Officer,
Warangal.
5 The Sub-Treasury Officer,
Warangal.
6 The Sub-Treasury Officer,
Jangaon, Warangal.
7 The Sub-Treasury Officer
Mulug, Warangal

8. 2CCs to G.P. for Finance & Planning, High Court Buildings, Hyderabad (OUT)

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